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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and UNITED
STATES ARMY CORPS OF ENGINEERS,

Defendants.

No. 3:24-cv-00059-SLG

UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to Rule 7.3(b) of the Local Civil Rules for the District of Alaska, Plaintiffs Northern Dynasty Minerals Ltd. (“Northern Dynasty”) and Pebble Limited Partnership (“PLP”), respectfully move for a seven-day extension to the deadline for Plaintiffs to file a motion to supplement the administrative record submitted to the Court by defendant United States Environmental Protection Agency (“EPA”) on August 2, 2024, and corresponding seven-day extensions to the deadlines for briefing that motion, if filed. Defendants consent to this motion and the requested extensions. In support of this motion, Plaintiffs state as follows:

1. On March 15, 2024, Plaintiffs filed their Complaint in this case against EPA under the Administrative Procedure Act, challenging EPA’s January 2023 Final Determination Pursuant to Section 404(c) of the Clean Water Act; Pebble Deposit Area, Southwest Alaska. ECF No. 1.

2. EPA filed its Answer to the Complaint on May 20, 2024. ECF No. 43.

3. On August 2, 2024, EPA filed a certified index to its administrative record with the Court and served copies of the record on Plaintiffs and the Court. ECF No. 87. EPA’s administrative record currently contains approximately 40,000 documents, comprising approximately 500,000 pages.

4. On August 16, 2024, Plaintiffs filed their First Amended and Supplemented Complaint. ECF No. 91. Defendants filed their Answer to the Amended and Supplemented Complaint on September 27, 2024. ECF No. 109.

5. The parties have been conferring in good faith to seek to resolve disputes relating to potentially supplementing the EPA administrative record in this case without

engaging in contested motion practice. That process is ongoing and nearly complete. However, the parties require additional time to conclude the meet and confer process, and thereby seek to narrow and/or potentially resolve disputed issues that require the Court's attention.

6. Accordingly, there is good cause to modify the Court's previously entered Scheduling Order, ECF No. 89, to allow a brief extension as follows for the parties to complete this process and brief a potential motion to supplement:

- (a) The deadline for Plaintiffs to file a motion to supplement the administrative record shall be **November 8, 2024**.
- (b) If Plaintiffs file a motion to supplement the administrative record in accordance with paragraph (a), then the deadline for EPA's response to the motion shall be **December 20, 2024** and the deadline for Plaintiffs' reply shall be **January 17, 2025**.
- (c) If Plaintiffs file a motion to supplement the record, then the parties will submit a joint motion or status report(s) **within two weeks** of the Court's ruling on that motion, proposing a schedule for further proceedings.

7. This request for an extension of time is not sought for purposes of harassment or delay, and will not prejudice the parties.

8. A proposed Order granting this extension of time is provided herewith.

Dated October 30, 2024

/s/ Keith Bradley

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*Counsel for Plaintiffs Northern Dynasty Minerals Ltd
and Pebble Limited Partnership*

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2024, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF system. Participants in this Case No. 3:24-cv-00059-SLG who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Keith Bradley
Keith Bradley